(63

Anno Regni CAROLI II. REGIS

Angliæ, Scotiæ, Franciæ & Hiberniæ,
Viceſimo ſecundo & viceſimo tertio.

At the *Parliament* begun at *Weſtminſter* the Eighth day of *May*, *Anno Dom.* 1661. In the Thirteenth Year of the Reign of our moſt Gracious Sovereign Lord CHARLES, by the Grace of God, of *England*, *Scotland*, *France* and *Ireland* King, Defender of the Faith, *&c.*

And there continued by ſeveral Prorogations, to the Fourteenth day of *February* $16\frac{69}{70}$.

And thence continued to the 22th of *April* 1671. On which day the ſaid Parliament was Prorogued to the 16th day of *April*, which ſhall be in the year 1672.

In the *SAVOY*,

Printed by the Aſſigns of *John Bill* and *Chriſtopher Barker*, Printers to the Kings moſt Excellent Majeſty, 1671.

CUM PRIVILEGIO.

4440-14

Anno XXII, & XXIII.

Caroli II Regis.

An Act for Laying Impoſitions on Proceedings at Law.

WE Your Majeſties moſt Dutiful and Loyal Subjects, the Commons Aſſembled in Parliament, having entred into a due and ſerious conſideration of the extraordinary occaſions, which oblige Your Majeſty to a great and preſent Expence, for the neceſſary Defence of Your Realms, and conſidering Your Majeſties great Debts, and being deſirous to Raiſe ſuch Aids and Supplies as may be proportionable to theſe Occaſions, do humbly Preſent Your Majeſty with the Free Gift of the Rates and Aids herein after mentioned; And do beſeech Your Majeſty, That it may be Enacted: And be it Enacted by the Kings moſt Excellent Majeſty, by and With the Advice and

Consent of the Lords Spiritual and Temporal, and the Commons in Parliament Assembled, and by Authority of the same, That from and after the First day of May, which shall be in the year of our Lord, One thousand six hundred seventy and one, there shall be throughout Your Majesties Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, Raised, Levied, Collected, and paid unto Your Majesty, Your Heirs and Successors, during the Term of Nine years, for the several and respective things herein after mentioned, over and above the Rates, Duties, and Sums of Money now due and payable to Your Majesty, or to any person or persons, Bodies Politick or Corporate whatsoever, for the same, the several and respective Rates, Impositions, Duties, Charges, and Sums of Money herein after expressed, in manner and form following, (That is to say)

For every Charter, or Grant which shall be made of any Franchise, Liberty, or Priviledge to any person or persons, Bodies Politick or Corporate, that shall Pass the Great Seal of England, or the Seal of the County Palatine of Lancaster, not exceeding one skin of Parchment, Written in such manner as things of that nature are, or heretofore have been usually Written; Fourty shillings——— } xl s.

And

And if the same shall exceed one skin so to be Written, then for every other skin of Parchment so to be Written; Twenty shillings——	xx s.
For every Grant of Lands in Fee, Perpetuity, Lease for years, and other Grant that shall pass the Great Seal of England, Seal of the Exchequer, Seal of the Dutchy or County Palatine of Lancaster, not exceeding one skin of Parchment Written in such manner as things of that nature are now, or heretofore have been usually Written; Twenty shillings——	xx s.
And if the same shall exceed one skin so to be Written, then for every other skin of Parchment so to be Written; Ten shillings——	x s.
For every Grant of any sum of Money, and for every Pardon of or for any Crime or Offence, or of any sum of Money or Forfeiture, that shall pass the Great Seal, or Privy Seal, not directed to the Great Seal, not exceeding one skin of Parchment, to be Written in such manner as things of that nature are now, or heretofore have been usually Written; Fourty shillings—	xl s.

And if the same shall exceed one skin so to be written, then for every other skin of Parchment so to be written; Twenty shillings—— } xx s.

For every Presentation and Donation which shall Pass the Great Seal of England, and for every Collation to be made by any Archbishop, or other Bishop, and for every Presentation and Donation to be made by any Patron whatsoever, of or to any Benefice, Dignity, or Spiritual or Ecclesiastical Promotion whatsoever, provided such Benefice, Dignity or Promotion be of the value of Twenty pounds, or above, in the Kings Books; Fourty shillings—— } xl s.

But if such Spiritual Promotion, Dignity or Benefice be but of the value of Ten pounds, or above in the Kings Books, then but Ten shillings —— } x s.

Provided, That this Act shall not extend to Charge any Vicarage under the Improved Value of One hundred pounds per Annum, the same to be proved by the Certificates of the Respective Ordinaries.

For

For every Conveyance, Surrender, Releale, and other Deed whatsoever, which shall be Enrolled of Record in any of the Courts at Westminster, or in any other Court of Record whatsoever, or by any Custos Rotulorum, or Clerk of the Peace, Five shillings — v s.

For every Writ of Covenant for Levying of Fines in the Alienation Office, at or above Six shillings eight pence, and under Twenty shillings, and for which there is now Six shillings eight pence, or above, usually paid, there shall be paid over and above such Six shillings and eight pence, or above; the sum of Three shillings and four pence — iij s. iv d.

And for every Writ of Covenant for Levying of Fines in the Alienation Office, at or above Twenty shillings, and for which there is now Twenty shillings, or above usually paid, there shall be paid over and above such Twenty shillings, or above; the sum of Six shillings and eight pence — vj s. viij d.

The said Additional sums not to be accounted any part of the Præ-fine, or to extend to the Post-fine.

For

For every Writ of Entry for ſuffering of Common Recoveries in the Alienation Office, there ſhall be paid over and above the Fines now or heretofore uſually Rated and paid there, upon ſuch Writs; Six ſhillings and eight pence—— vjs. viijd.

For every Original Writ not before by this Act Charged, Subpæna, Bill of Middleſex, Latitat, Writ of Capias Quo minus, Writ of Dedimus Poteſtatem, to take Anſwers, Examine Witneſſes, or Swear Guardians, and every other Writ whatſoever, and alſo for every other Proceſs or Mandate that ſhall Iſſue out of, or paſs the Seals of any of the Courts of Weſtminſter, Courts of the Great Seſſions in Wales, Courts in Counties Palatine, or any other Court whatſoever holding Plea, where the Debt or Damage doth amount to Fourty ſhillings, or above; Six pence— vjd.

For the Renewing of every ſuch Proceſs or Mandate; Four pence— iv d.

For

For the Entry of every Action in the Mayors and Sheriffs Courts of London, and in Courts in all Corporations, and other Courts whatsoever, out of which, no Writs, Process or Mandates Issue holding Plea where the Debt or Damage doth amount to Fourty shillings, or above; Six pence — vj d.

For every Exemplification, of what nature soever, that shall pass the Seal of any Court whatsoever, not exceeding one skin of Parchment, to be Written with as many words in every line, and as many lines in every skin, as are now, or heretofore have been usually Written in things Exemplified; Seven shillings and six pence — vij s. vj d.

And if the same shall exceed one skin so to be written, then for every other skin of Parchment so to be Written; Five shillings — v s.

For every Bill, Answer, Plea, Demurrer, and every other Pleading whatsoever, in the Courts of Chancery, Exchequer, and Dutchy Chamber of Lancaster; One shilling — j s.

For the Copy of every Bill, Answer, Plea, Demurrer, and of all other Pleadings whatsoever, and of all Interrogatories and Depositions taken out of the respective Offices, and attested by the respective Officers in the Courts of Chancery, Exchequer, and Dutchy Chamber of Lancaster, there shall be paid for every sheet to be Written, With as many Words in every line, and With as many lines in every sheet, as are now, or heretofore have been usually Written in such Copies; One peny- | j d.

For the Copy of every Bill Answer, Plea, Demurrer, and of all other Pleadings whatsoever, and of all Interrogatories and Depositions, in all and every other Court of Equity or Conscience Whatsoever, holding Plea, Where the Debt or Damage doth amount to forty shillings or above, there shall be paid for every sheet to be Written With as many Words in every line, and With as many lines in every sheet, as are now, or heretofore have been usually Written in such Copies; One peny- | j d.

For every Order Entred, and Report Filed in any of the said Courts of Chancery, Exchequer, and Dutchy Chamber of Lancaster; Six pence | vj d.

For

For the Copy of every such Order and Report Signed by the proper Officer; Three pence ——— } iij d.

For the Copy of every Declaration, Plea, Demurrer, Issue, and of all and every other Proceedings whatsoever, in any of the Courts at Westminster, for which there is now payable Eight pence per sheet, there shall be paid for every sheet to be written with as many words in every line, and with as many lines in every sheet, as are now, or heretofore have been usually written in such Copies; One peny ——— } j d.

For the Copy of every Declaration, Plea and Issue, Demurrer, and of all and every other Proceedings in any of the Courts at Westminster, for which there is now payable but Four pence per sheet, there shall be paid for every sheet, to be written with as many words in every line, and with as many lines in every sheet, as are now, or heretofore have been usually written in such Copies, over and above the said Four pence per sheet; One peny ——— } j d.

For

For the Copy of every Declaration, Plea, Issue, Demurrer, and of all and every other Proceedings whatsoever, in all and every other Court whatsoever holding Plea, where the Debt or Damage doth amount to Fourty shillings, or above, for every Sheet to be written with as many words in every line, and with as many lines in every sheet as are now, or heretofore have been usually written in such Copies; One peny — 1 d.

For every Affidavit that shall be made in writing, & Sworn to before any person whatsoever Authorized to take an Oath, where any Fee by Law is due to any Officer for the same; Six pence — vj d.

For the Copy of every Affidavit that shall be Filed or Read in any Court whatsoever; Four pence — iv d.

For

For every Special Bail to be taken in any of the Courts at Weſtminſter, or before any of the Judges of the ſaid Courts, or in any other Court whatſoever, and for every Common Bail whatſoever, that ſhall be Filed, in any of the ſaid Courts, or any other Court whatſoever, and for every Apparance that ſhall be made, or entred in any of the ſaid Courts, or any other Court whatſoever, or in any Office belonging to the ſame; Six pence } vj d.

For every Rule or Order to be made or given in any of the Courts at Weſtminſter, Except in the Engliſh ſide of the Chancery, the Engliſh ſide of the Exchequer, and the Engliſh ſide of the Court of the Dutchy, or County Palatine of Lancaſter, and Rules for Anſwer; Two pence } ij d.

And for the Copy of every ſuch Rule, or Order; Two pence } ij d.

For every Judgment in debt, or other Judgment whatſoever, which ſhall be Signed by the Maſter of any Office, or his Deputy, or Secondary, or by any Prothonotary, or his Secondary, Deputy, or Clerk, or by any other Officer belonging to any of the Courts at Weſtminſter, who hath power, or uſually doth, or ſhall Sign Judgments; One ſhilling } j s.

For every Decree and Dismission made by or in the Court of Chancery, Exchequer, Court of the Dutchy of Lancaster, Courts of the Counties Palatine of Chester and Durham; Five shillings — v s.

For every Record of Nisi prius; Two shillings and six pence — ij s. vj d.

For the Copies of all Records to be taken out of any of the Courts at Westminster, or any Office belonging to the same, and not herein before Charged, and for the Copies of all Proceedings upon Writs of Errour in the Exchequer-Chamber not herein before Charged, for every sheet to be Written with as many words in every line, and with as many lines in every sheet, as are now, or heretofore have been usually Written in such Copies, One peny — j d.

For every Postea that shall be Returned by any Clerk of Assize, Associate, or other person Authorized to Return Postea's; One shilling — j s.

For every Recognizance and Statute of the Staple, or Statute-merchant that shall be Inrolled or Entred of Record in any Court or Office whatsoever; Two shillings and six pence — ij s. vj d.

For

For every Writ of Errour over and above what is before charged; Six pence ——— vj d.

For every Order or Rule thereupon; One shilling ——— j s.

For every Citation or Monition, Ad instantiam partis, which shall Issue out of, or be made in any Ecclesiastical Court whatsoever; Four pence ——— iv. d.

For every Libell, or Alligation; One shilling ——— j s.

For every Depolition of Witnesses; Four pence ——— iv d.

For every Answer, Sentence, or final Decree; Six pence ——— vj d.

For every Commission Issuing out of any Ecclesiastical Court, Ad instantiam partis; Two shillings ——— ij s.

For every Inventory that shall be Exhibited into any Ecclesiastical Court whatsoever, which shall amount to Fourty pounds, or above, and not to One hundred pounds; One shilling ——— j s.

For every Inventory that shall be Exhibited into any Ecclesiastical Court whatsoever, which shall amount to One hundred pounds or above, and not to Five hundred pounds; Six shillings ——— vj s.

For

For every Inventory that shall be Exhibited into any Ecclesiastical Court whatsoever, which shall amount to Five hundred pounds, or above, and not to One thousand pounds; Twelve shillings — xij s.

For every Inventory which shall be Exhibited into any Ecclesiastical Court whatsoever, which shall amount to One thousand pounds, or above; One pound two shillings — j l. ij s.

For every Institution that shall pass the Seal of any Archbishop, or Bishop, Chancellor, or other Ordinary, or of any Ecclesiastical Court whatsoever; Five shillings — v s.

For every Licence whatsoever, that shall pass the Seal of any Ecclesiastical Court (except Licences for dispensing the Eating of Flesh in Lent) One shilling — j s.

For the Copy of every Will Registred in any Ecclesiastical Court whatsoever, for every sheet containing as many Words in every line, and as many lines in every sheet, as are now, or heretofore have been usually Written in such Copies; One peny — j d.

For the Copy of every Inventory which shall be Exhibited into any Ecclesiastical Court, there shall be paid per Press; Two pence — ij d.

For

For every Appeal to the Delegates; Ten shillings ——— } x s.

For every other Appeal from any Inferiour Ecclesiastical Court to a Superior; Three shillings and four pence. ——— } iij s. iv d.

For every Significavit pro Corporis deliberatione; Five shillings ——— } v s.

For every Dispensation to hold Two Ecclesiastical Dignities, or both a Benefice and a Dignity; Fifteen shillings ——— } xv s.

For every other Dispensation which shall be passed by the Lord Archbishop of Canterbury, for the time being, or the Master of the Faculties; Ten shillings ——— } x s.

For every Warrant, Monition, and personal Decree, and for every Libel, Allegation, and for every Deposition of every Witness and every Personal Answer, which shall Issue out of, or be made in the Court of the High Admiral of England, or in any Court of his Vice-Admirals, or the Cinque-Ports exercising Jurisdiction; One shilling ——— } i s.

For every Commission that shall Issue under the Seal of any of the said Courts of Admiralty last mentioned; Five shillings ——— v s.

For every Sentence that shall be given in any of the said Courts of Admiralty; Five shillings ——— v s.

For every Attachment that shall be made out of any of the said Courts of Admiralty; Three shillings and four pence ——— iij s. iv d.

For every Relaration of every Attachment made out of any of the said Courts of Admiralty; Three shillings and four pence ——— iij s. iv d.

Which said several Rates, Impositions, Duties, Charges, and Sums of Money shall be Collected and Received by the several and respective Officers for the time being, and other persons hereafter appointed, or their sufficient Deputies for whom they will Answer, and in such manner as is hereafter directed. That is to say, The said Duty for every Charter, Writ, and other thing that shall pass the Great Seal of England, as aforesaid, shall be received by the Clerk of the Hanaper, before the said Charter or other thing as aforesaid be Sealed.

And the said Duty for every Grant of any sum of Money, or other thing as aforesaid, that shall pass the Privy Seal, and not be directed

directed to the Great Seal, shall be Received by the Clerk attending, before the said Grant or other thing as aforesaid shall be Sealed.

And the said Duty for every Deed and Recognizance that shall be Inrolled in the Court of Chancery, shall be Received by the Deputy-Clerks of the Inrollments respectively, before the Inrolling thereof.

And the said Duty for every Order and Report in the said Court, and for Copies of the same, shall be Received by the Register of the said Court before the Entring or Signing of the same; And that the same shall not be of any effect until they are so Signed.

And the said Duty for the Copy of every Bill, Answer, Plea, Demurrer, and all other Pleadings whatsoever as aforesaid in the said Court, and of all Interrogatories and Depositions taken by Commission out of the said Court, and also the said Duties for all Decrees and Dismissions in the said Court, shall be received by the Six Clerks of the said Court respectively, before the Signing of the same.

And the Duties for all Copies of all other Interrogatories and Depositions, not taken by Commission as aforesaid, shall be received by the Examiners of the said Court respectively, before the Signing of the same.

And no Declaration, Plea, Demurrer, or other proceeding in the Petty-bagg in the said Court of Chancery, shall be of any effect until the respective Copies of the same shall be Signed by the Clerks of the Petty-

bagg

bagg respectively, who are hereby required before such Signing thereof to receive the Duties by this Act appointed to be paid for the same respectively.

And the said Duty for every Affidavit made before any of the Masters of the Chancery in Ordinary, shall be Received by the said Master respectively, who is also hereby required to Sign the said Affidavit, and to Receive the said Duty upon the Signing thereof.

And the said Duty shall be Accounted for every Week to such person or persons as His Majesty, His Heirs and Successors, shall for that purpose Nominate and Appoint as is hereafter provided.

And the said Duty for every Affidavit made before any Master of the Chancery Extraordinary shall be Received by the said Master respectively, and the said Master is hereby required to Sign the same, and to Receive the said Duty upon the Signing thereof.

And the said Duty for every Writ, Process, or Mandate as aforesaid, that shall Issue out of, or pass the Seal of the Court of Kings Bench, shall be Received by the Keeper of the said Seal before the Sealing of the same.

And the said Duty for every Bill of Middlesex as aforesaid, shall be Received by the Clerk that Signs and Seals them, before the Signing and Sealing of the same.

And the said Duty for every Deed that shall be Inrolled in the said Court of Kings Bench,

Bench, shall be Received by the Prothonotary of the said Court, before the Inrolling of the same.

And the said Duty for every Recognizance as aforesaid, that shall be Acknowledged in the said Court, shall be received by the Secondary on the Crowns Side in the said Court, at the time of the Acknowledgement of the same.

And no Declaration, Plea, Replication, Demurrer, Rejoynder, Issue, or other Proceeding upon the same in the said Court of Kings Bench, shall be of any effect, until the respective Copies of the same shall be Signed by the Secondary of the Pleas side, who shall, and is hereby required before such Signature to receive the Duties by this Act appointed to be paid for the same respectively.

And the said Duty for every Bail and Apparance in the said Court, shall be received by the Clerk of the Bails in the said Court, before the Filing and Entring of the same respectively.

And the said Duty for every Rule and Order, as aforesaid made or given in the said Court, shall be received by the Clerk of the Rules before the Entring of the same.

And the said Duty for every Affidavit made in the said Court, shall be received by the Clerk of the Rules of the said Court upon the Signing or making thereof.

And the said Duty for every Affidavit made before any of the Judges of the said Court, out of Court, shall be received by such person

or persons from time to time, as the said Judges shall for that purpose respectively appoint.

And the said Duty for every Record of Nisi prius in the said Court, shall be received by the Custos Brevium of the said Court before the Sealing of the same.

And the said Duty for every Postea in the said Court, shall be received by the respective Clerks of Assize, and Associates respectively, upon Recording of the Verdicts.

And the said Duty for every Judgment as aforesaid in the said Court, shall be received by the said Secondary of the Pleas-side, before the Signing of the same.

And the said Duty for every Writ or Process that shall pass the Seal of the Court of Common-pleas, as aforesaid, shall be received by the Seal-keeper of the said Court, before the Sealing thereof.

And the said Duty for every Deed that shall be Enrolled in the said Court of Common-pleas, shall be received by the Clerk of the Warrants of the said Court, before the Enrolling thereof.

And the said Duty for every Recognizance entred into the said Court of Common-pleas, shall be received by the Prothonotaries of the said Court respectively, at the time of the acknowledging of the same.

And no Declaration, Plea, Replication, Demurrer, Rejoynder, Issue, or other Proceeding upon the same in the said Court of Common-pleas, shall be of any effect, until the respective Copies of the same shall be Signed

Signed by the respective Prothonotaries of the said Court; Who shall and are hereby required before such Signature to receive the several and respective Duties by this Act appointed to be paid for the same.

And the said Duty for every Bayle taken in the said Court, shall be received by the respective Prothonotaries of the said Court, before the Entring and Filing of the same respectively.

And the said Duty for every Apparance given upon any Procels made by any of the Filizers of the said Court, shall be received by the said respective Filizers, and upon all other Procels by the respective Prothonotaries before the Entring of the same.

And the said Duty for every Rule and Order, as aforesaid made or given in the said Court, shall be received by the respective Secondary of the said Court, before the Entring of the same.

And the said Duty for every Record of Nisi prius in the said Court, shall be received by the respective Prothonotaries of the said Court, before the Sealing of the same.

And the said Duty for every Postea in the said Court, shall be received by the respective Clerk of Assizes or Associates, that Record the Verdict, upon Recording of the said Verdict.

And the said Duty for every Judgment, as aforesaid, in the said Court of Common-pleas, shall be received by the Prothonotaries of the said Court respectively, before the Signing of the same.

And

And the said Duty for every Affidavit made in the said Court, shall be received by the Secondaries of the said Court respectively, upon the Signing or making of the same.

And for every Affidavit made out of Court before any of the Judges of the said Court, the said Duty shall be received by such person or persons, as the said Judges respectively shall from time to time for that purpose appoint.

And the said Duty for every Grant or other thing, as aforesaid, which shall pass the Exchequer-Seal, shall be received by the Chancellor of the Exchequer for the time being, before such Grant or other thing shall be Sealed.

And the said Duty for every Deed or Recognizance that shall be Enrolled either in the Kings or Trealurers Remembrancers Office, or in the Office of Pleas in the Court of Exchequer, shall be received by the Masters of the said several Offices respectively before the Enrolling of the same.

And no Declaration or Information, Plea, Replication, Demurrer, Rejoynder, Issue, or other Proceeding upon the same in the Kings or Trealurers Remembrancers Offices in the said Court of Exchequer, shall be of any effect until the respective Copies of the same shall be Signed by the respective Attourneys of the said several Offices, who are hereby required before such Signature to receive the Duties by this Act appointed to be paid for the same respectively:

the

the like to be done by the Clerks of the Pleas of the said Court of Exchequer within his Office respectively.

And the said Duty for every Bail and Apparance in the said several Offices in the said Court of Exchequer, shall be received by the Attorneys of the said Court respectively, before the Filing and Entring of the same.

And the said Duty for every Rule, Order, and Report, as aforesaid, to be made in the said Court of Exchequer, and for Copies of the same, shall be received by the respective Officers or Clerks that Sign the same, before the Entring, Signing, or Filing of the same.

And the said Duty for every Record of Nisi prius in the said Court of Exchequer, shall be received by such Officer or Clerk as shall Sign the same, or the Warrant for the same, before the Signing of such Record or Warrant.

And the said Duty for every Postea in the said Court of Exchequer, shall be received by the respective Clerk of Assizes and Associates respectively, upon Recording of the Verdicts.

And the said Duty for every Judgment in the said Court of Exchequer as aforesaid, shall be received by the several Officers of the said Court who shall Sign the same respectively, upon the Signing of the same.

And the said Duty for the Copy of every Bill, Answer, Plea, Demurrer, and all other Pleadings whatsoever as aforesaid, in

the said Court of Equity in the Exchequer; And of all Interrogatories and Depositions taken by Commission out of the said Court; And also the said Duty for all Decrees and Dismissions in the said Court, shall be received by the Attorneys in the Kings Remembrancers Office in the said Court respectively.

And the Duties for all Copies of all other Interrogatories and Depositions not taken by Commission, as aforesaid, shall be received by the Examiners of the said Court respectively, before the Signing of the same.

And the said Duty for all Copies of any Proceedings upon Writs of Error in the Exchequer-Chamber upon Judgments given in the said Court of Exchequer shall be received by the respective Officer that Signs the same upon the Signing thereof, and upon Judgments out of any other Court by the Clerk of the Errors in like manner.

And the said Duty for every Charter or Grant that shall pass the Seal of the County Palatine of Lancaster, shall be received by the Keeper of the said Seal before the Sealing of the same.

And the said Duty for every Deed Inrolled, and every other thing as aforesaid, charged by this Act as aforesaid, in the Court of the Dutchy of Lancaster, the same shall be received in manner aforesaid, by the Clerk of the said Dutchy Court.

And the said Duty for every Deed Inrolled in any other Court of Record then the Courts before mentioned in this Act, shall be

received

received by the respective Officer of the said Courts that shall Inroll the same, before the Inrolling thereof; And if by any Custos Rotulorum, or Clerk of the Peace, then by the Clerk of the Peace respectively, in manner as aforesaid.

And the said several Duties by this Act arising within any other County Palatine, shall in like manner be received by the respective Chancellors or Chamberlain of the said Counties Palatine, or such as they from time to time shall for that purpose nominate and appoint respectively.

And the said Duty for Entry of any Action or Plaint in the Courts of the Mayor or Sheriffs of the City of London, and the Duty of, or for any other thing arising within the said Courts, or any of them shall be received in manner as aforesaid, by the proper Officer that shall Act in those several things, from, or for which the said Duty doth arise respectively.

And if any Doubt or Question shall arise who is the said proper Officer, the same shall be Judged and Determined by the said Courts respectively.

And the said several Duties charged by this Act, arising within the Courts of Marshalsey, or within any other Court within any other Corporation then those already mentioned in this Act, shall be received by the respective Prothonotary, Town-clerk, or Clerk of such Court, and in other Inferiour Courts by the respective Stewards, or other

other like Officers of the said Courts in manner as aforesaid.

And the said several Duties for every Presentation, Collation, Institution, and other thing charged by this Act, which shall pass the Episcopal Seal, or the Seal of the Ordinary, shall be received by the said Ordinary respectively before the Sealing of the same, who is hereby required to keep a Register or Entry of the same.

And the said several Duties arising within the Court of the Arches, or any other Ecclesiastical Court as aforesaid, shall be received by the Registers of the said several Courts respectively.

And the said Duty for every Inhibition that shall Issue upon an Appeal as aforesaid, shall be received by the respective Registers of the Courts, to which the said Appeals shall be made.

And the said Duty for every Dispensation, Faculty, and Licence as aforesaid, which shall be passed by the Lord Archbishop of Canterbury, or Master of the Faculties, shall be received by the said Master of the Faculties for the time being.

And the said Duties arising within any of the said Courts of the Admiral, or his Vice-Admirals, or of the Cinque-Ports, shall be received by the respective Registers of the said Courts.

And the said Duties for the Copies of any other Records that shall be taken out of any of the said Courts of Westminster, or any Office

Office belonging to the said Courts the Receipt and Collection whereof is not herein before already disposed or appointed, shall be received by the several Officers, and other persons that shall Make or Sign the same upon the Making or Signing of them.

And the said Duties arising within the Court or Council of the Marches of Wales, as aforesaid, shall be Received by the Clerk of the Signet or Secretary of the said Court or Council, in manner as aforesaid.

And the said Duties arising within the several Courts of the Grand Sessions in Wales as aforesaid, shall be Received by the Baron of the Exchequer in each Circuit, and by the Prothonotary, and the Register and the two Attorneys in Chancery of each Circuit respectively in manner following, that is to say;

For Original Writs and other matters that pass the Seal for Originals, shall be Received by the said Barons respectively; And for Judicial Writs, Inrolment of Deeds, and Recognizances, Rules, and Orders in proceedings at Common Law, and Copies of them, Copies of Declarations, Pleas, and other proceedings at the Common Law, and for Bayls and Apparances, Judgments, and other things, as aforesaid, relating to the Common Law, to be Received by the respective Prothonotaries of each Circuit; And for Copies of all Bills, Answers, Pleas, Demurrers, and other proceedings, as aforesaid, relating to Equity, to be Received by the respective Register, and

the said two Attorneys in Chancery of each Circuit respectively.

And the said several Rates, Impositions, Duties, Charges, and sums of money so to be Received by the said several and respective Officers and other persons as aforesaid, shall be respectively charged upon them, and by them duely and particularly accounted for, answered and paid to such person and persons as by His Majesty, His Heirs, and Successors shall be thereunto specially appointed, to be the General-receiver or Receivers by Warrant under the Great or Privy Seal, at, or before the days hereafter limited; That is to say, at or before the First day of Michaelmas Term, the First day of Hillary Term, and the First day of Easter Term, in every year during the continuance of this Act.

And as to the Duties arising in any of the said Courts, every of the said respective persons who shall Receive any of the said Duties, shall from time to time make Oath before some or one of the Judges of the same Court, where the said Duties do or shall arise, of the truth of their respective accounts.

And for all such of the said Duties as shall arise otherwhere, and are not relating to any of the said Courts Ecclesiastical or Temporal, or the Officers or Ministers of the same, the persons by this Act appointed to receive the same shall make Oath of the truth of such their accounts before some Justice of the Peace, or Master in Chancery in Ordinary or Extraordinary; Who are hereby

hereby Authorized and required to Administer such Oathes.

And be it Enacted by the Authority aforesaid; That the said Receiver or Receivers-general at every time of Payment appointed by this Act as aforesaid, shall give unto the said several Officers and Persons aforesaid, upon the Payment of any of the Sums of Money due by this Act, several Acquittances under their Hands and Seals without taking any thing for the same; Which said Acquittances shall be a full and perfect Discharge for the Sums of Money therein mentioned to the said several Officers and Persons paying the same.

And to the end the said several Duties may be the better accounted for, & answered to His Majesty, His Heirs, and Successors in manner aforesaid, Be it further Enacted, That every of the said Officers, and other persons so as aforesaid appointed to receive the said Duties respectively, shall keep Books, wherein all Moneys by him to be received in pursuance of this Act, expressing the Names of the Persons from whom, and for what the same were received, shall be duly Entred and set down; Which Books shall from time to time be produced and shewn to the said Receiver or Receivers-general, so to be appointed, or such other person or persons as shall be thereunto lawfully Authorized by His Majesty, His Heirs, and Successors.

And the said Receiver or Receivers-general, or such other person or persons as shall be thereunto lawfully Authorized by His Maje-

Majesty, his Heirs, and Successors as aforesaid, shall likewise have free resort at any seasonable time, to any Record or Entry of any Proceedings, or other Matters aforesaid, to search, view, and peruse the same, and as occasion shall be, to take Notes, or Abstracts out of the same, without any thing paying for the same; And the Officer of the several Courts before mentioned, are hereby required to be Aiding and Assisting to such Receiver or Receivers-general therein.

And the said several Officers, and other persons in their respective Courts aforesaid, shall give such Security for the due Entring, Accompting for, Answering and Paying the said several Duties, and Sums of Money by them respectively to be received, as aforesaid, as by the said Courts respectively shall be directed and appointed.

And if any Attourney, Solicitor, or other person whatsoever Charged or Chargeable, with any of the said Duties by vertue of this Act, shall not duly and fully answer and pay the same to the proper Officer appointed to receive the same, as aforesaid, or if such Officer shall wilfully refuse or neglect to receive the same, or shall not truly Enter the same in a Book, and justly Accompt for, Answer, and Pay the same to the respective Receiver-general in manner aforesaid, then every such person so offending, shall upon Conviction for the First Default, for which he shall be Questioned and Convicted, Forfeit and Pay to the Kings Majesty, his Heirs, and Successors, Ten-times the Value of

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the Duty or Duties which his Majesty, his heirs, or Successors, shall lose by such Default, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesties Courts of Record, wherein no Essoin, Wager of Law, or Protection is to be allowed; And upon a Second Conviction for the like Default afterwards committed, shall Forfeit such his Office and Employment, and be for ever uncapable of holding, or enjoying the same, or the like Office, or Employment.

And the Judges of the said several Courts respectively, are hereby Authorized, and Required from time to time, to take such Security as aforesaid, and to give, make, and publish such Rules, Orders, and Directions, for the better Entring, Collecting, Accompting for, Answering, and Paying of the said several Duties by the Officers of the said respective Courts, or such other Officers as shall be thereunto Authorized by his Majesty in the said several Courts, and for preventing all Frauds and Abuses therein, as to the said Judges of the respective Courts aforesaid shall seem meet; So as they impose no other Forfeitures or Penalties then are contained in this Act.

Provided always, and it is hereby further Enacted, and Declared, That none of the Rates, Impositions, Duties, Charges, or Sums of money before in this Act expressed, shall be Raised, Levied, Collected or Paid, or Payable unto his Majesty by vertue of

this Act, upon any Information, Indictment, or other Proceedings at his Majesties Suit in any of the said Courts, for, or in respect of any Felony, Trespass, or other Criminal Matter whatsoever, nor to any person, or persons that shall be admitted to Sue, or Defend in forma pauperis; Any thing herein contained to the contrary notwithstanding.

And for prevention of tridial and veratious Suits in Law, whereby many good Subjects of this Realm have been, and are daily undone, contrary to the intention of an Act made in the Three and fourtieth Year of Queen Elizabeth, for avoiding of infinite numbers of small and trifling Suits Commenced in the Courts at Westminster, Be it further Enacted, for making the said Law effectual, That from and after the First of May aforesaid, in all Actions of Trespass, Assault, and Battery, and other Personal Actions, wherein the Judge at the Trial of the Cause shall not find and certifie under his hand upon the back of the Record, that an Assault and Battery was sufficiently proved by the Plaintiff against the Defendant, or that the Freehold or Title of the Land mentioned in the Plaintiffs Declaration, was chiefly in question, the Plaintiff in such Action, in case the Jury shall Find the Damages to be under the Value of Fourty Shillings, shall not recover or obtain more Costs of Suit, then the Damages so found shall amount unto: And if any

ny more Costs in any such Action shall be awarded, the Judgment shall be void, and the Defendant is hereby acquitted of, and from the same, and may have his Action against the Plaintiff for such vexatious Suit, and recover his Damages and Costs of such his Suit in any of the said Courts of Record.

Anno

Anno XXII, & XXIII.

Caroli II Regis.

An Act for the better Setling of Inteſtates Eſtates.

BE it Enacted by the Kings moſt Excellent Majeſty, With the Advice and Conſent of the Lords Spiritual, and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame; That all Ordinaries, as well the Judges of the Prerogative Courts of Canterbury and York for the time being, as all other Ordinaries, and Eccleſiaſtical Judges, and every of them, having Power to commit Adminiſtration of the Goods of Perſons dying In-

Intestate, shall and may upon their respective granting and committing of Administrations of the Goods of persons dying Intestate, after the First day of June, One thousand six hundred seventy and one, of the respective person or persons to whom any Administration is to be committed, take sufficient Bonds with two or more able Sureties, respect being had to the Value of the Estate, in the name of the Ordinary, with the Condition in Form and Manner following, mutatis mutandis, viz.

THE Condition of this Obligation is such, That if the within Bounden *A. B.* Administrator of all and singular the Goods, Chattels, and Credits of *C. D.* Deceased, do make or cause to be made a true and perfect Inventory of all and singular the Goods, Chattels, and Credits of the said Deceased, which have or shall come to the Hands, Possession, or Knowledge of him the said *A. B.* or into the Hands and Possession of any other Person or Persons for him, and the same so made do exhibit or cause to be exhibited into the Registry of Court, at or before the day of

next enſuing; And the ſame Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits of the ſaid Deceaſed at the time of his Death, which at any time after ſhall come to the Hands or Poſſeſſion of the ſaid *A. B.* or into the Hands and Poſſeſſion of any other perſon or perſons for him, do well and truly Adminiſter according to Law; And further, do make or cauſe to be made a true and juſt Accompt of his ſaid Adminiſtration, at or before the day of

And all the reſt and reſidue of the ſaid Goods, Chattels, and Credits, which ſhall be found remaining upon the ſaid Adminiſtrators Accompt, the ſame being firſt examined and allowed of by the Judge or Judges for the time being, of the ſaid Court, ſhall deliver and pay unto ſuch perſon or perſons reſpectively, as the ſaid Judge or Judges, by his or their Decree or Sentence purſuant to the true intent and meaning of this Act, ſhall limit and appoint.

And if it ſhall hereafter appear, That any laſt Will and Teſtament was made by

by the ſaid Deceaſed, and the Executor or Executors therein named do exhibit the ſame into the ſaid Court, making requeſt to have it allowed and approved accordingly, if the ſaid *A. B.* within Bounden being thereunto required; do render and deliver the ſaid Letters of Adminiſtration (Approbation of ſuch Teſtament being firſt had and made) in the ſaid Court; Then this Obligation to be void and of none Effect; Or elſe to remain in full Force and Virtue.

Which Bonds are hereby Declared and Enacted to be good to all Intents and Purpoſes, and Pleadable in any Courts of Juſtice; And alſo that the ſaid Ordinaries, and Judges reſpectively, ſhall and may, and are enabled to proceed and call ſuch Adminiſtrators to Accompt, for and touching the Goods of any perſon dying Inteſtate, and upon hearing and due Conſideration thereof, to order and make juſt and equal Diſtribution of what remaineth clear (after all Debts, Funerals, and juſt Expences of every ſort firſt allowed and deducted) amongſt the Wife and Children, or Childrens Children, if any ſuch be, or otherwiſe to the next of Kindred to the dead perſon in equal degree, or legally repreſenting their Stocks Pro ſuo cuique

que Jure, according to the Laws in such Cases, and the Rules and Limitation hereafter set down, and the same Distributions to Decree and Settle: And to compel such Administrators to observe and pay the same by the due Course of His Majesties Ecclesiastical Laws. Saving to every one, supposing him or themselves aggrieved, their Right of Appeal as was always in such Cases used.

Provided that this Act, or any thing herein contained, shall not any ways prejudice or hinder the Custom observed within the City of London, or within the Province of York, or other places having known and received Customs peculiar to them, but that the same Customs may be observed as formerly; Any thing herein contained to the contrary notwithstanding.

Provided always, and be it Enacted by the Authority aforesaid, That all Ordinaries, and every other person who by this Act is enabled to make Distribution of the Surplusage of the Estate of any person dying Intestate, shall Distribute the whole Surplusage of such Estate or Estates in manner and form following: That is to say, One third part of the said Surplusage to the Wife of the Intestate, and all the residue by equal Portions, to and amongst the Children of such persons dying Intestate, and such persons as Legally represent such Children in case any of the said Children be then dead, other then such Child or Children (not being Heir at Law) who shall have any Estate

Estate by the settlement of the Intestate, or shall be advanced by the Intestate in his life-time, by Portion or Portions, equal to the share which shall by such Distribution be allotted to the other Children to whom such Distribution is to be made; And in case any Child, other then the Heir at Law, who shall have any Estate by settlement from the said Intestate, or shall be advanced by the said Intestate in his life-time by Portion, not equal to the share which will be due to the other Children by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate to be Distributed to such Child or Children as shall have any Land by settlement from the Intestate, or were advanced in the life-time of the Intestate, as shall make the Estate of all the said Children to be equal as neer as can be Estimated; But the Heir at Law notwithstanding any Land that he shall have by Descent or otherwise from the Intestate, is to have an equal part in the Distribution with the rest of the Children, without any consideration of the value of the Land which he hath by Descent, or otherwise from the Intestate.

And in case there be no Children, nor any Legal Representatives of them, then one Moyety of the said Estate to be allotted to the Wife of the Intestate, the Residue of the said Estate to be Distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and those who Legally represent them.

Provided that there be no Representations admitted among Collaterals after Brothers and Sisters Children: And in case there be no Wife, then all the said Estate to be Distributed equally to and amongst the Children: And in case there be no Child, then to the next of Kindred in equal Degree of or unto the Intestate, and their Legal Representatives as aforesaid, and in no other manner whatsoever.

Provided also, and be it likewise Enacted by the Authority aforesaid; To the end that a due regard be had to Creditors that no such Distribution of the Goods of any person dying Intestate be made, till after one year be fully expired after the Intestates Death, and that such, and every one to whom any Distribution and share shall be allotted, shall give Bond with sufficient Sureties in the said Courts, that if any Debt or Debts truly owing by the Intestate shall be afterwards Sued for and Recovered, or otherwise duly made to appear: That then and in every such case he or she shall respectively refund and pay back to the Administrator his or her rateable part of that Debt or Debts, and of the Costs of Suit and Charges of the Administrator, by reason of such Debt out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfie the said Debt or Debts so discovered after the Distribution made as aforesaid.

Provided always, and be it Enacted by the

the Authority aforesaid, That in all cases where the Ordinary hath used heretofore to grant Administration cum Testamento annexo, he shall continue so to do, and the Will of the Deceased in such Testament expressed, shall be performed and observed in such manner as it should have been, if this Act had never been made.

Provided also, That this Act shall continue in Force for Seven years, and from thence to the end of the next Session of Parliament, and no longer.

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